

Notice of Allowability

Application No.

09/913,767

Examiner

Medina A. Ibrahim

Applicant(s)

FROMMER ET AL.

Art Unit

1638

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the telephonic interview of 09/08/05.
2. ☒ The allowed claim(s) is/are 69-76 and 79-94 renumbered as 1-25, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Sally Teng on 09/08/06

The application has been amended as follows:

In The Title:

The title has been replaced with the following:

----ISOLATED NUCLEIC ACIDS CODING FOR A NUCLEAR BASE
TRANSPORTER AND USES THEREOF----.

In The Abstract:

The abstract has been replaced with the following:

--- The invention concerns nucleic acids coding for Arabidopsis nuclear base transporter, DNA constructs and host cells containing the nucleic acids. The invention also concerns methods of transforming plants and host cells with nuclear base transporter encoding nucleic acids. Transgenic plants, plant cells, and seeds expressing nuclear base transporter are also disclosed.----

In The Claims:

At claims 73-75, ---DNA--- has been inserted before "construct".

Claim 76 (Currently amended). The host cell of claim 75, wherein the host cell is selected from the group consisting of bacterial cells, yeast cells [mammalian cells] and plant cells.

Claim 77 (Currently amended). A transgenic plant, transgenic plant part, or transgenic seed of the transgenic plant each comprising [that comprises a] the isolated nucleic acid of claim 69 or claim 71.

Claim 78 is cancelled.

Claim 79 (Currently amended). A process for producing a transgenic plant comprising [the following steps]:

- a) [A.] inserting the nucleic acid of claim 69 or claim 71 into a plant cell to make a transformed plant cell; and
- b) [B.] regenerating a transformed plant from the transformed plant cell.

Claim 80 (Currently amended). A process for influencing expression of a nuclear base transporter [properties of] in a plant cell [, part of a plant or of seeds] or plant, comprising inserting into the [a] plant cell or plant the nucleic acid of claim 69 or claim 71.

At claim 81, ---DNA-- is inserted before "construct".

Art Unit: 1638

Claim 82 (Currently amended). The transgenic plant, transgenic plant part, or transgenic seed of claim 77, wherein said nucleic acid [sequence] is under the control of a regulatory sequence [an element regulating expression].

At claims 83-84, ---transgenic--- is inserted before "plant".

Claim 85 (Currently amended). A method of producing [regenerating] a transformed plant comprising regenerating [growing] a plant from the transformed plant cell of claim 83.

At claims 86-90, ---isolated--- is inserted before "nucleic".

Claim 91 (Currently amended). An isolated nucleic acid comprising the complement [that is complementary to] of the nucleic acid of SEQ ID NO: 1 or the complement SEQ ID NO: 2 [claim 69 or 71].

At claims 92-93, ---DNA--- is inserted before "construct".

Claim 94 (Currently amended). A method for inhibiting the expression of an endogenous nuclear base transporter in a plant [prokaryotic or eukaryotic] cell comprising inserting into said cell the isolated nucleic acid of claim 91[, wherein said expression inhibits the expression of an endogenous nuclear base transporter].

Art Unit: 1638

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Medina A. Ibrahim whose telephone number is (571) 272-0797. The Examiner can normally be reached Monday -Thursday from 8:00AM to 5:30PM and every other Friday from 9:00AM to 5:00 PM . Before and after final responses should be directed to fax nos. (703) 872-9306 and (703) 872-9307, respectively.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anne Marie Grunberg, can be reached at (571) 272-0975.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

8/29/06

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